



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,615	03/08/2001	Christopher Keith	IVEN125468	7375
52531	7590	03/10/2006	EXAMINER	
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC			SUBRAMANIAN, NARAYANSWAMY	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			3624	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This office action is in response to applicants' communication filed on December 19, 2005. Claims 1-27 are currently pending in the application. Election of group I claims 1-10 is acknowledged by the examiner. Claims 11-27 are withdrawn from consideration as being drawn to a non-elected invention. Applicants are respectfully advised to cancel withdrawn claims 11-27 in response to this office action. Claims 1-10 have been examined. The rejections are stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "representing an order in the internal market and an external market". It is not clear what the applicant means by the term "representing an order". The metes and bounds of this limitation are not clear. Clarification is required. Claims 2-10 are rejected by dependency.

Claims 2-4 recite the limitation "synchronizing operation of the internal market and the external market". It is not clear what the "synchronizing operation" step entails. The metes and bounds of this limitation are not clear. Also in claim 3, it is not clear what the applicants mean by the term "reflecting a transaction in both of the internal market and the external market". Specifically the meaning of the term "reflecting a transaction" is not clear. Similarly in claim 4, it is not clear what the applicants mean by the term

Art Unit: 3624

“reflecting an execute operation in one of the internal and external markets as a cancel operation”. Specifically the meaning of the term “reflecting an execute operation” is not clear. Clarification is required.

Claim 5 recites the limitation “receiving confirmation from the other of the internal and external markets”. It is not clear confirmation of what is being received from one of the markets. Clarification is required.

Claims 6-9 recite the limitation “coupling the internal and external markets”. It is not clear what the coupling step entails. The metes and bounds of this limitation are not clear. Clarification is required.

Claims 7-8 recite the limitations “fast symbol mode” and “fast symbol market”. The meaning of these limitations is not clear. Clarification is required.

Claim 9 recites the limitation “re-synchronizing the internal and external markets before decoupling the internal and external markets”. It is not clear what the decoupling step entails and what the applicant means by the term “re-synchronizing the internal and external markets”. The metes and bounds of this limitation are not clear. Clarification is required.

Claim 10 recites the limitation “a platform process”. It is not clear what the applicants mean by the term “a platform process”. Clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

Art Unit: 3624

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-6 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain et al (US Patent 6,343,278 B1).

Claim 1, Jain discloses a method of operating an internal market, comprising: automatically representing an order in the internal market and an external market (See Jain Abstract lines 1-7, each trader is interpreted to represent a market), and automatically ensuring the order is executable in at most one of the internal market and the external market (See Jain Abstract and Col 2 lines 4-8, related orders automatically reduced implies that an order is executable in at most one market).

Claims 2-6 and 10, Jain discloses the steps comprising automatically synchronizing operation of the internal market and the external market (See Jain Abstract and Col 2 lines 4-8, related orders automatically reduced implies automatically synchronizing operation of the markets); automatically synchronizing includes reflecting a transaction in both of the internal market and the external market, the transaction being a cancel operation or a post operation (See Jain Abstract displaying an order implies posting); automatically synchronizing includes reflecting an execute operation in one of

Art Unit: 3624

the internal and external markets as a cancel operation in the other of the internal and external markets (See Jain Abstract, reducing the quantity when a deal is made implies this feature); conditionally performing an operation in one of the internal and external markets, and committing the conditional operation after receiving confirmation from the other of the internal and external markets (See Jain Col 2 lines 30-36); providing a mechanism for coupling the internal and external markets (See Jain Col 8 line 61 – Col 9 line 7 and Col 14 lines 22-44); and automatically ensuring uses a platform process that communicates between the internal market and the external market (See Jain Col 14 lines 22-44, the architecture disclosed by Jain is interpreted to include a platform process).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al (US Patent 6,343,278 B1).

Claims 7-9, Jain teaches a method of claim 1 as discussed above.

Jain does not explicitly teach the steps wherein when one of the internal and external markets is in fast symbol mode, the other of the internal and external markets operates as a router for the fast symbol market and wherein an order can be executed at only the fast symbol market; and re-synchronizing the internal and external markets before decoupling the internal and external market.

Art Unit: 3624

Official notice is taken executing orders in a market with short latencies, routing the orders to such markets with short latencies and adjusting the orders in the markets before separating the execution in the markets are old and well known in the art. These actions help an investor to realize the best possible prices for his/her transaction in the most time efficient manner.

It would have been obvious to one of ordinary skill in the art to include these features to the invention of Jain. The combination of disclosures would have helped an investor to realize the best possible prices for his/her transaction in the most time efficient manner.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Minton (US Patent 6,014,643) (January 11, 2000) Interactive Securities Trading System

(b) Silverman et al (US Patent 6,625,583 B1) (September 23, 2003) Handheld Trading System Interface

(c) Patterson, Jr. et al (US Patent 5,915,245) (June 22, 1999) Two-Way wireless System for Financial Industry Transactions

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-

Art Unit: 3624

6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "N. Sub", followed by a long horizontal flourish.

Dr. N. Subramanian
March 5, 2006